

The Examiner sent Applicant an Advisory Action on January 10, 2003 wherein the period for reply was set to expire three (3) months from the mailing date of the final rejection. Due to the fact that the final rejection for the above-mentioned patent application was July 30, 2002, it would be impossible to submit a reply on the Advisory Action given that 37 CFR 1.134 sets the maximum period for reply at six months.

POINT OF REVIEW AND ACTION REQUESTED

Given the facts set forth above and Applicant's inability to reply to the Advisory Action under 37 CFR 1.134, Applicant respectfully submits that the period for reply should be reset. In that regard, Applicant respectfully requests that the period of reply for the Advisory Action should be set from the mailing date of the Advisory Action itself and not the final rejection. This will allow Applicant to file the Notice of Appeal with a one-month extension of time.

CONCLUSION

Applicant respectfully submits that this petition is requested in an extraordinary situation and that it is just to waive the rules so that Applicant may proceed with a Notice of Appeal under a one-month extension of time. Given that Applicant was not at fault in this situation, Applicant respectfully requests that the period of reply be reset.

Please charge the required fee under 37 CFR 1.17(h) for the petition to the Applicant's debit account, duplicate copies of the fee transmittal sheet are attached hereto.

Respectfully submitted,



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